

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF COMMERCE

In the Matter of Integrity Bonding, Inc.,
Zachary Harris, and Anthony Hanson

PROTECTIVE ORDER

This matter is pending before Administrative Law Judge Kathleen D. Sheehy pursuant to a Notice of and Order for Hearing from the Minnesota Department of Commerce. To expedite the discovery process, the parties have requested this Protective Order, which governs discovery of documents and data classified as private, confidential, nonpublic or protected nonpublic or otherwise “not public” under the Minnesota Government Data Practices Act (Minn. Stat. Chap. 13).

Christopher M. Kaisershot, Assistant Attorney General, Suite 1200, 445 Minnesota Street, St. Paul, MN 55101-2130, appeared for the Department of Commerce (Department). Michael J. Mergens, Esq., and Francis Green III, Esq., Larkin, Hoffman Daly & Lindgren Ltd., 1500 Wells Fargo Plaza, 7900 Xerxes Avenue South, Minneapolis, MN 55431-1194, appeared for Integrity Bonding, Inc., and Zachary Harris (Respondents). Barry V. Voss, Esq., Barry V. Voss, PA, Suite 1050, 527 Marquette Avenue South, Minneapolis, MN 55402, appeared for Anthony Hanson (Respondent).

Pursuant to Minn. Stat. § 13.03, subd. 6, and the files and proceedings herein, the Administrative Law Judge finds that the testimony and evidence to be adduced at the hearing in this matter may include data that is classified as “not public.” Therefore in order to protect the data,

IT IS HEREBY ORDERED:

1. Data that is classified as “not public” under Minn. Stat. Ch. 13, or Minn. Stat. Ch. 363A, or other applicable law, contained in the Department’s investigative/complaint files, produced in the course of discovery, or offered as evidence at hearing, shall not be disclosed in the course of this proceeding except as follows:

- (a) To the parties in this matter or attorneys representing the parties or their employees assisting counsel in the preparation of the case; and

(b) To witnesses subpoenaed or otherwise called to testify at the hearing.

2. "Not public" data may be used only for purposes of this litigation, including discussion with investigators, employees and witnesses as necessary to prepare for or conduct the hearing, and shall not be disclosed to individuals or for purposes not set forth herein.

3. All persons having access to "not public" data herein shall be informed of the Protective Order and are bound by its terms. Each party bears full responsibility for compliance with this Order by persons to whom they have disclosed "not public" information.

4. The Department shall clearly designate "not public" information to avoid inadvertent disclosure. "Not public" documents shall be kept in a separate file or envelope so marked. The originals and copies of deposition or hearing transcripts, or portions thereof, containing "not public" data shall bear the legend "CONFIDENTIAL – CONTAINS NOT PUBLIC DATA" and shall be maintained in a separate file or envelope. In lieu of segregating documents that contain not public data, the Department may redact the not public data, but it must clearly mark any redacted documents with the legend "NOT PUBLIC DATA REDACTED," and it must identify the nature of the redacted data.

5. Upon appropriate request of the parties, portions of the hearing in this matter will be closed and the hearing record will be sealed to the extent needed to permit free discussion of not public data.

6. Should any party seek to use the information subject to this Order in a manner inconsistent with this Order, that party shall bring a motion before the Administrative Law Judge, with notice to the other party, requesting permission.

7. This Protective Order may be modified or amended by agreement of the parties and notice to the Administrative Law Judge, or upon application to the Administrative Law Judge for good cause shown.

8. Nothing in this order is intended to limit the availability of judicial review of the final order as provided by Minn. Stat. §§ 14.63-.69.

Dated: May 15, 2008

s/Kathleen D. Sheehy

KATHLEEN D. SHEEHY
Administrative Law Judge